

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

: INDICTMENT

-v.-

07 CRIM 1211

KEITH FUSE,

a/k/a "Charles T. Alvine,"

a/k/a "Dante Mandir,"

a/k/a "Robert F. Dickinson," and

JEFFREY DARLING,

Defendants.

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COUNT ONE

(Bank Fraud)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: DEC 20 2007

The Grand Jury charges:

BACKGROUND

1. Beginning in or about January 2007 and continuing until in or about September 2007, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson" ("FUSE"), the defendant, engaged in various schemes to defraud banks, the deposits of which were insured by the Federal Deposit Insurance Corporation.

2. As a part of the bank fraud schemes, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, utilized business entities that had no legitimate purpose and, indeed, no purpose other than to perpetrate the bank fraud schemes described herein.

3. As a further part of the bank fraud schemes, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, together with others, known and unknown, as more fully set forth below, opened up bank accounts in the names of such business entities.

4. As a further part of the bank fraud schemes, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, together with others, known and unknown, as more fully set forth below, deposited stolen checks into the bank accounts opened up in the name of the business entities that FUSE employed as part of the bank fraud schemes.

5. As a further part of the bank fraud schemes, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, attempted to cash a counterfeit check.

THE KS1 PRIVATE INVESTOR CAPITAL LP-BANK OF AMERICA SCHEME

6. On or about January 12, 2007, a checking account was opened online at Bank of America, N.A. ("BofA"). The bank account (the "KS1 Account") was opened in the name of KS1 Private Investor Capital LP ("KS1") doing business as Cushman-Wakefield. The contact information provided to BofA for the KS1 Account was "Charles T. Alvine."

7. Cushman & Wakefield is one of the world's largest commercial real estate services firms. Cushman & Wakefield has over approximately 150 offices in over approximately 50 countries around the world and employs over approximately 10,000 people. KS1 has no legitimate connection or business relationship to Cushman & Wakefield.

8. Between on or about January 16, 2007, and February 5, 2007, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," and JEFFREY DARLING, the defendants, and others, known and unknown, made deposits into the KS1 Account of a total of approximately seven checks made out to Cushman & Wakefield in the total aggregate amount of at least approximately \$209,874.66.

9. Between on or about January 24, 2007, and February 6, 2007, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," and JEFFREY DARLING, the defendants, and others, known and unknown, made withdrawals from the KS1 Account of a total of at least approximately \$39,400.

10. On or about January 27, 2007, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," and JEFFREY DARLING, the defendants, made a purchase using an automatic teller machine card associated with the KS1 Account of approximately \$15,000 of platinum coins at a jewelry dealer in Manhattan. In connection with this transaction, KEITH

FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, presented a New Jersey driver's license in the name of an individual residing in New Jersey ("Identity Theft Victim No. 1").

STATUTORY ALLEGATIONS

11. From at least in or about January 2007 up to and including in or about February 2007, in the Southern District of New York, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," and JEFFREY DARLING, the defendants, unlawfully, willfully, and knowingly executed and attempted to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations, and promises, to wit, FUSE and DARLING deposited stolen checks in the aggregate amount of approximately \$209,874.66 into an account at BofA that they controlled and then withdrew a portion of the funds.

{Title 18, United States Code, Sections 1344 & 2}.

COUNT TWO
(Aggravated Identity Theft)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 10 of this Indictment are hereby realleged and incorporated by reference as though fully set forth herein.

13. On or about January 29, 2007, in the Southern District of New York, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, unlawfully, willfully, and knowingly did transfer, possess and use, without lawful authority, a means of identification of another person during and in relation to the offense charged in Count One of this Indictment, to wit, a New Jersey driver's license in the name of Identity Theft Victim No. 1.

(Title 18, United States Code, Section 1028A(a)(1)).

COUNT THREE
(Bank Fraud)

The Grand Jury further charges:

14. The allegations contained in paragraphs 1 through 5 of this Indictment are hereby realleged and incorporated by reference as though fully set forth herein.

15. On or about September 11, 2007, a person not named as a defendant herein opened up a bank account (the "NYT Capital Account") in the name of New York Times Capital Corporation ("NYT Capital") at a branch of Commerce Bank ("Commerce") in Manhattan.

16. The New York Times Company is a leading media company that publishes, among other newspapers, The New York Times, the International Herald Tribune, and The Boston Globe. NYT Capital has no legitimate connection or business relationship to The New York Times Company.

17. Between on or about September 11, 2007, and September 20, 2007, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, and others, known and unknown, made deposits into the NYT Capital Account of a total of approximately two checks made out to the New York Times in the total aggregate amount of at least approximately \$2,055,641.90.

18. Between on or about September 11, 2007, and September 18, 2007, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, and others, known and unknown, made withdrawals from the NYT Capital Account of a total of at least approximately \$1,260.

STATUTORY ALLEGATIONS

19. From at least in or about August 2007 up to and including in or about September 2007, in the Southern District of New York and elsewhere, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, unlawfully, willfully, and knowingly executed and attempted to execute a scheme and artifice to defraud a financial institution,

the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations, and promises, to wit, FUSE deposited stolen checks in the aggregate amount of approximately \$2,055,641.90 into an account at Commerce that he controlled and then withdrew a portion of the funds.

(Title 18, United States Code, Sections 1344 & 2).

COUNT FOUR
(Bank Fraud)

The Grand Jury further charges:

20. On or about November 30, 2007, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, presented for payment a counterfeit check in the amount of \$2,255.24 made payable to "Dante Mandir" at a branch of BofA in Bernards Township, New Jersey.

21. At the time that he presented the check for payment, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, presented as identification a Delaware driver's license in the name of "Dante Mandir."

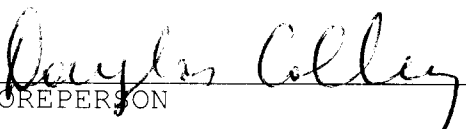
22. The entity off of whose account the counterfeit check was drawn was located in the Southern District of New York

and maintained its bank account at a BofA branch in the Southern District of New York.

STATUTORY ALLEGATION

23. On or about November 30, 2007, in the Southern District of New York and elsewhere, KEITH FUSE, a/k/a "Charles T. Alvine," a/k/a "Dante Mandir," a/k/a "Robert F. Dickinson," the defendant, unlawfully, willfully, and knowingly executed and attempted to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations, and promises, to wit, FUSE presented for payment at a branch of BofA in Bernards Township, New Jersey, a counterfeit check in the amount of approximately \$2,255.24 made payable to "Dante Mandir" and drawn off an account maintained by an entity located in the Southern District of New York at a BofA branch in the Southern District of New York.

(Title 18, United States Code, Sections 1344 & 2).



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

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-v.-

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a/k/a "Dante Mandir," a/k/a "Robert F.
Dickinson," and JEFFREY DARLING,

Defendants.

INDICTMENT

07 Cr. _____ (_____)

(Title 18, United States Code,
Sections 1028A, 1344 & 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Douglas Colley
Foreperson.

*12/20/07
Filed
Ellis J.*